Remarks

1. Summary of Office Action

In the Office Action mailed August 19, 2008, the Examiner rejected claims 1-7, 12-13, 15, and 17 under 35 U.S.C. § 103(a) as being allegedly obvious over U.S. Patent Application Pub. No. 2002/0151302 (Schmidt) in view of the article, "IP Centrex Creates New Opportunities for Equipment Manufacturers" (Stamp) and U.S. Patent No. 4,802,199 (Lange). Further, the Examiner rejected claims 8 and 18 under 35 U.S.C. § 103(a) as being allegedly obvious over Schmidt, Stamp and Lange in view of U.S. Patent Application Pub. No. 2002/0120759 (Faccin). Yet further, the Examiner rejected claims 9, 11, and 20 under 35 U.S.C. § 103(a) as being allegedly obvious over Schmidt, Stamp and Lange in view of U.S. Patent No. 5,912,963 (Begeja). Additionally, the Examiner rejected claim 14 under 35 U.S.C. § 103(a) as being allegedly obvious over Schmidt, Stamp and Lange in view of U.S. Patent Application Pub. No. 2002/0193107 (Nascimento, Jr.). Moreover, the Examiner rejected claim 16 under 35 U.S.C. § 103(a) as being allegedly obvious over Schmidt, Stamp and Lange in view of U.S. Patent No. 6,757,269 (Dorenbosch).

2. Status of the Claims

Currently pending are claims 1-9, 11-18, and 20, of which claims 1 and 12 are independent and the remainder are dependent.

3. Response to Rejections

The Examiner has rejected the subject matter of independent claims 1 and 12 under 35 U.S.C. § 103(a) as being allegedly obvious over Schmidt in view of Stamp and Lange. However, the presently pending claimed matter does not reasonably or logically follow from the combination of Schmidt, Stamp, and Lange.

Claims 1 and 12 are directed to the wireless wide area network (WWAN) backup of an enterprise IP telephony system. The enterprise IP telephony system is configured to allow a call server that facilitates signaling to be located outside of the enterprise network, for example, on a packet-switched network that has a wireline link to the enterprise network. Thus, calls between telephone stations that are all on the enterprise network will have bearer paths within the enterprise network between the enterprise telephone stations, and signaling traffic will traverse both the enterprise network and the packet switched network. However, for calls between a telephone station on the enterprise network and one or more telephone stations that are outside of the enterprise network, signaling traffic will traverse the enterprise network and the packet switched network, while bearer paths are not limited to being within the enterprise network.

The enterprise network is also connected to the packet switched network via a WWAN backup link. If the wireline link between the enterprise network and the packet switched network fails, the WWAN backup link is initiated. Due to the potentially limited capacity of the WWAN link, it may be advantageous for the call server to restrict the establishment of some types of calls while the WWAN link is in use. While calls between telephone stations that are all on the enterprise network will only require WWAN capacity for signaling traffic, calls between a telephone station on the enterprise network and one or more telephone stations that are outside of the enterprise network will require WWAN capacity for both signaling and bearer traffic.

Thus, calls between telephone stations that are all on the enterprise network use relatively less WWAN capacity, and are allowed. But calls between a telephone station on the enterprise network and one or more telephone stations outside of enterprise network use significantly more WWAN capacity. Therefore, the latter type of call is a natural candidate for restriction. However, not all calls between a telephone station on the enterprise network and one or more

telephone stations that are outside of the enterprise network should be restricted, as it may be necessary to allow the bearer path of high-priority calls, such as emergency calls, to use the WWAN link.

The Schmidt reference teaches an enterprise network that supports telephony, where the enterprise network has both a wireline link and a wireless link to an external network. Schmidt also teaches switching from routing calls via the wireline link to routing calls via the wireless link when connectivity on the wireline link is lost. The Examiner conceded that Schmidt does not teach a call server on the external packet switched network, where the call server engages in packet switched signaling to set up calls between the enterprise telephone stations. However, with respect to the presently pending claims, Schmidt is even more deficient.

Schmidt also does not teach allowing, upon loss of the wireline link and through use of the external call server, continued setup of calls inside the enterprise network between the enterprise telephone stations, wherein bearer paths are within the enterprise network. Furthermore, Schmidt does not teach call-server-logic at the call server for restricting outside calling between a telephone station on the enterprise network and a telephone station not on the enterprise network via the WWAN connection, wherein restricted calls are not permitted to connect.

The Stamp reference teaches a call server (Network Gateway) on the external packet switched network that engages in packet switched signaling to set up calls. However, Stamp does not teach the call server setting up calls between the enterprise telephone stations. More importantly, Stamp does not disclose the call server allowing setup of calls inside the enterprise network between the enterprise telephone stations, wherein bearer paths within the enterprise network. At page 3, paragraph C, Stamp specifically teaches sending packetized voice and IP

telephony messages over the LAN and the broadband access facility, to the call server. Thus, Stamp requires transmitting bearer traffic to the call server, which is inapposite to claims 1 and 12.

The Examiner conceded that the combination of Schmidt and Stamp does not teach an external call server allowing setup of calls inside the enterprise network between the enterprise telephone stations, where the bearer paths are within the enterprise network, while preventing setup of all but certain designated calls having bearer paths extending from the enterprise network and through the WWAN connection. The Examiner then attempted to overcome the deficiencies in Schmidt and Stamp with Lange. However, Lange falls short.

The Lange reference teaches a circuit-switched telephony system. Lange's system connects two enterprise private branch exchange (PBX) telephony systems (system 110 and system 130 of Lange's Figure 1) each at different physical locations, to a public-switched telephone network (PSTN). The problem that Lange attempts to address is how to efficiently allow a remote office PBX (system 110) to interconnect to a headquarters PBX (system 130) such that both sites share uniform dialing features. Lange relies on the concept of providing "virtual facilities" in the form of hypothetical telephony trunks that mimic private telephony trunks between the PBX systems, but actually pass through an interim switch. With reference to Lange's Figure 1, Lange describes a virtual facility 101. Virtual facility 101 routes traffic between system 110 and system 130 via tie lines 104 and central office / PBX 140.

Lange does not teach the system architecture that is recited in claims 1 and 12. Claims 1 and 12 are directed to an external call server allowing calls between telephone stations within a single enterprise network when wireline access to the external call server is unavailable. The system architecture taught by Lange contains an external call server (e.g., central office / PBX

140), but also internal call servers (the PBX's labeled system 110 and system 130). However, neither of these two distinct types of call servers disclose the matter of claims 1 and 12.

Lange's external call server facilitates calling between *multiple* enterprise networks in distinct physical locations, and thus does not facilitate calling between telephone stations within a *single* enterprise network. *See, e.g., Lange at col. 1, lines 14-16; col. 2, lines 14-21.* Furthermore, while Lange's *internal* call servers facilitate calls between telephone stations within a single enterprise network, these call servers are not *external* call servers. *See, e.g., Lange at Figure 1.* Additionally, and unlike claims 1 and 12, Lange does not teach packet-based signaling traffic between an external call server and an enterprise network that allows setup of calls having bearer paths within the enterprise network.

Thus, Lange does not make up for the deficiencies of Schmidt and Stamp. The combination of Schmidt, Stamp and Lange does not teach an external call server allowing setup of calls inside an enterprise network between enterprise telephone stations, where the bearer paths are within the enterprise network. These references also do not teach an external call server, in such a situation, restricting outside calling between a telephone station on the enterprise network and a telephone station not on the enterprise network via a WWAN connection, wherein restricted calls are not permitted to connect.

Given the deficiencies of Schmidt, Stamp, and Lange, and that the currently pending claimed matter does not reasonably or logically follow from the combination of these references, the Examiner has failed to establish *prima facie* obviousness of claims 1 and 12. Therefore, Applicants submit that claims 1 and 12 are allowable. Furthermore, and without conceding any assertions made by the Examiner that are not addressed herein, Applicants submit that

claims 2-9, 11, 13-18, and 20 are allowable for at least the reason that they depend from an allowable claim.

4.   Conclusion

In view of the foregoing, Applicants respectfully request favorable reconsideration and allowance of the claims. Should the Examiner wish to discuss this case with the undersigned, the Examiner is invited to call the undersigned at (312) 913-3361.

Respectfully submitted,

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